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31 December 2003

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS, USDA
1400 Independence Avenue, SW. STOP 0237
Washington, DC 20250-0237

Docket No. FV03-900-1 PR
Proposed Rule to Exempt Organic Producers from Assessments

Please accept the following comments on the above referenced proposed

Responding to section 10607 of the 2002 Farm Bill which mandates a full exemption from assessments for certain organic growers, the USDA has drafted a rule offering a limited exemption from "market promotion" assessments. The rule should exempt 100 percent organic growers from all assessments levied by commodity agencies as their activities are either irrelevant or harmful to organic farming.

For almost two decades, organic growers have objected to paying commodity assessments for activities which have little or no relevance to the production and marketing of organic farm products. Until final adoption of the National Organic Program (NOP) in October 2002, agencies levying assessments argued that it was difficult and/or impractical to identify legitimate organic growers/handlers because of the confusing array of state laws, private certification standards, and corporate policies pertaining to organic production. With the NOP up and running, organic production is completely regulated by the USDA and certified organic growers are easily identified. This eliminates the oft stated objection to exempting organic growers.

The concerns of organic farmers regarding assessments are reasonable. Under the NOP, certified organic farm products are grown or raised in an entirely different manner from conventional products, and are strictly segregated from the field to the grocery cart. If processed, additional rules and processing protocols are also in effect. Recent research also indicates that the nutritional qualities of organically grown fruits and vegetables differ from

their conventional counterparts, further distinguishing organically grown products.¹

As the 3 December 2003 letter from the Perry M. Hedin, Cherry Industry Administrative Board, notes:

“It is quite conceivable, if not likely, that many in the organic community will object to production and/or processing research believing that their own interests are not served by general production and processing research conducted by the boards.”

The observation is salient. Organic growers should not be forced to pay for research on production and processing methods which the organic growers cannot legally use. For example, we should not be forced to support research on soil fumigants to replace methyl bromide, or the development of genetically modified crops. Nor should we pay for nutritional research that fails to distinguish between conventional and organic farm products. The rationale behind mandatory assessments is to compel a farmer who will directly benefit from the research activity to support it. If, by law, the farmer cannot use the products of a mandatory assessment, he or she should not pay for the work, or the administrative costs associated with the work.

Organic farmers are not getting a free ride. Under the NOP, any organic farm grossing more than \$5,000 must be certified before selling their products as “organic.” The certification process is costly both in terms of the certifier fees and the extensive preparation and paperwork required.

Responding to the concerns of organic farmers, section 10607 of the 2002 Farm Bill exempted 100 percent organic growers from assessments under commodity promotion laws, not just “market promotion assessments.” The term “assessment” is neither qualified nor limited in section 10607, so there is no reason or justification to create a limited category of exempt assessments. It is neither fair nor logical to have a law strictly defining and segregating organic from conventional farm products, and yet blur that distinction when assessments are levied.

¹ See, for example:


Asami, D.K. et al. 2003. Comparison of the total phenolic and ascorbic acid content of freeze-dried and air-dried marionberry, strawberry, and corn grown using conventional, organic, and sustainable agricultural practices. *J. Agric. Food Chem.* 51:1237-1241.

Worthington, Virginia. 2001. Nutritional quality of organic vs conventional fruits, vegetables, and grains. *J. Alternative and Complementary Medicine* 7:161-173.

Please redraft the rule to clarify that people who produce and market only organic products are exempt from all assessments levied under the authority of commodity promotion laws, whether or not they are directly related to promotion or marketing.

Thank you for the opportunity to comment.

Sincerely

A handwritten signature in black ink, appearing to read "Anthony Boutard" and "Carol Boutard" stacked vertically.

Anthony and Carol Boutard
Ayers Creek Farm